SUPPLEMENTAL MATERIAL DECEMBER 10, 2003 CITY COMMISSION MEETING

SUPPLEMENTAL MATERIAL

C7 - Resolutions

C7E A Resolution Approving A Settlement Regarding Liens On The Property At 701 Collins Avenue, Miami Beach, Owned By Collins Manor Condominium In The Amount Of \$137,365 Be Waived And Further Authorizing The City Manager And City Clerk To Execute Any And All Documents Necessary To Effectuate The Settlement And Lien Release.

(Neighborhood Services)

(Resolution)

R7 - Resolutions

A Resolution Authorizing The City Manager To Decline In Writing The Right Of First Offer Transaction As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease ("Lease") Between City Of Miami Beach, Florida ("Owner") And Pelican Development, LLC ("Tenant") Dated As Of December 1, 1999; Further Authorizing The City Manager And City Attorney To Approve/Disapprove The Transfer Of Tenant's Leasehold Interest In The Project As Required Under The Terms Of Section 10.5 Of The Agreement Of Lease Upon Completion Of The City's Evaluation Of Information In Connection With The Proposed Transfer Of The Project And The Proposed Purchaser.

(City Manager's Office)
(Additional Information)

R7I A Resolution Relating To The Granting Of Deferred Compensation To The City Manager; And Setting An Effective Date.

(City Manager's Office) (Resolution)

R9 - New Business and Commission Requests

R9C Charter Review Board - Monday, December 8, 2003 Meeting - Replacement Resolution.
 1. A Resolution Calling For A Special Election To Be Held On Tuesday, March 9, 2004,

For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(C) Requiring Voter Approval Before Floor Area Ratio May Be Increased On Properties Adjacent To The Atlantic Ocean, Government Cut, Indian Creek, Or Biscayne Bay, Be Expanded To Apply To All Property Within City Limits; Exempting The Division Of Lots Or The Aggregation Of Development Rights On Unified Abutting Parcels (Otherwise Permitted By Ordinance), And Settlement Of Claims The City Has Notice Of As Of December 10, 2003.

(City Attorney's Office)
(Additional Information and Revised Resolution)

RESOLUTION NO.

A RESOLUTION APPROVING A SETTLEMENT REGARDING LIENS ON THE PROPERTY AT 701 COLLINS AVENUE, MIAMI BEACH, OWNED BY COLLINS MANOR CONDOMINIUM IN THE AMOUNT OF \$137,365.00 BE WAIVED AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SETTLEMENT AND LIEN RELEASE.

WHEREAS, the property at 701 Collins Avenue, owned by Collins Manor Condominium, Inc., has City Code Compliance fines and liens assessed in the amount of \$137,365.00; and

WHEREAS, the owners of the property responsible for the fines and various liens associated with the property corrected all outstanding violations; and

WHEREAS, the Condominium Board approved a \$291,619.73 special assessment to be equally divided and paid by the 24 condominium owners to correct all outstanding violations; and

WHEREAS, condominium owners are mostly senior citizens living on a fixed income and further fines would create additional financial hardship; and

WHEREAS, Collins Manor Condominium, Inc., the owners of the property have entered into settlement discussions with the City regarding the outstanding liens on the property in an effort to provide clear title and pay a fine; and

WHEREAS, the Administration seeks to eliminate the inflated fines and liens to remove the hardship upon the condominium owners;

NOW, THEREFORE BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the settlement waiving the total amount of outstanding City Code Compliance fines and liens of \$137,365.00 assessed as a result of Special Master Case JC01000753, and existing at the property of 701 Collins Avenue, owned by Collins Manor Condominium, Inc., is hereby approved; and, further that the City Manager and City Clerk shall be authorized to execute any and all necessary documents to complete such lien release and settlement subject to the approval of the Special Master.

PASSED AND ADO	OPTED THISDAY OF	, 2003
ATTEST:		APPROVED AS TO FORM & LANGUAGE
City Clerk	Mayor David Dermer	& FOR EXECUTION
Agenda ItemC7E		MHJUL 12-8-0
D 4		City Attorney Date

MIAMI BEACH CITY OF



1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139 http://ci.miami-beach.fl.us

Office of the City Manager

Telephone (305) 673-7010 Facsimile (305) 673-7782

December 9, 2003

HAND-DELIVERED

Pelican Development, L.L.C. Attention: Wayne Ducote

Re:

Proposed Purchase and Sale Agreement of leasehold interest of Agreement of Lease

between the City of Miami Beach and Pelican Development, LLC, dated December 1, 1999

Dear Mr. Ducote:

Enclosed is a copy of our December 9, 2003, letter regarding Pelican Development, LLC's request for our consent to the transfer of Tenant's leasehold interest in the referenced Agreement. This matter is scheduled for City Commission consideration at its regularly scheduled meeting tomorrow. This item is scheduled as a "time-certain" item at 11:00 a.m.

Please acknowledge your receipt of this letter below. Thank you.

Jorge M. Gonzalez City Manager

JMC/CMC/AP

Sincerely,

Date:	
	(title)
	(print name)
Received by:	(signature)

Agenda Item

CITY OF MIAMI BEACH



1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139 http://ci.miami-beach.fl.us

Office of the City Manager

Telephone (305) 673-7010 Facsimile (305) 673-7782

December 9, 2003

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Pelican Development, L.L.C. c/o Tchoupitoulas Partners 601 Poydras Street, Suite 2011 New Orleans, Louisiana 70130

Attention: David L. Ducote

Re: Proposed Purchase and Sale Agreement of leasehold interest of Agreement of Lease between the City of Miami Beach and Pelican Development, LLC, dated December 1, 1999

Dear Mr. Ducote:

We are in receipt of the written request for our consent to the transfer of Tenant's leasehold interest in the referenced Agreement. Pursuant to Section 10.5 Required Notices of the Agreement, please provide us with information regarding the proposed transferee, Ocean Blvd II LLC, (hereinafter referred to as "Ocean Blvd") as follows (the relevant time period for all requests being the immediate past five (5) years):

- 1. Please state in detail, the intentions of Ocean Blvd regarding this transfer and any future subleases.
- 2. Definition of Ocean Blvd II LLC "and / or its permitted assigns". Does Ocean Blvd intend to assign its interests in the leasehold interest in the future? If so, please detail the circumstances. Our consent to the transfer, if granted, shall only be for a one time transfer to Ocean Blvd II LLC and for no other entities.
- 3. Ocean Blvd's experience in the ownership, management, and operation, of parking facilities. For each project, identify names of principals, general partners, etc., contact information (address, telephone, fax, etc.) of the entities, location of facilities, number of parking spaces and stories, any ancillary uses, estimated project costs and financing structure.
- 4. Qualifications of Ocean Blvd's management team. Include identification of all individuals and entities, including the jurisdictions under which the entities are organized. Provide current resumes of principal representatives involved, Articles of Incorporation, and Certificates of Good Standing.
- 5. Financial disclosure attesting to the ability of Ocean Blvd as transferee. This disclosure must include but not be limited to, past and current financial statements and recent banking or financing references. Specific references and at least two preferred banking references for each member of Ocean Blvd, along with express written permission to contact these references, are required.
- **6. Financing plans.** Describe how proposed transfer will be financed, including the source of capital, amount and source of permanent financing, amount and source of operating capital.

Pelican Development LLC December 9, 2003 Page 2 of 3

Provide a financial plan which includes a ten-year pro forma for the facility, reflecting revenues and expenses including real estate taxes and debt service, including lease payments. Include letters of commitment from financial institutions rated AA or better, documenting Ocean Blvd's ability to secure the necessary funds to operate the facility. Additionally, include letters of commitment from bonding and insurance firms rated AA or better, demonstrating Ocean Blvd's ability to obtain the required bonds and insurance.

7. Please inform us of the relevance of Article 4.6 (b) of the Purchase and Sale Agreement. As you are aware, all communications between the public and governmental agencies are public information. Therefore, please explain this section of the transaction between the Buyer and the Seller.

Furthermore, in regard to the existing operations, please provide us with the following information regarding Pelican Development LLC:

- 8. Status of any and all sublease operations, including reported revenues.
- 9. A copy of the Enterprise Zone Program application for real property tax abatements, as per the Purchase and Sale Agreement, Article 8.7 (b) and all relevant back-up information.

Additionally, we wish to inform you that any Buyer or transferee should not rely on the purchase of the leasehold interest in order to comply with regulatory parking requirements or as parking mitigation for another project. Therefore, we call your attention to the provisions of City Code Sec. 130-36 Off-site facilities, cited below, which requires property owner's approval of a unity of title or restrictive covenant, which must be separately granted/approved by the City of Miami Beach, as Owner. This letter and our future consent to the proposed transfer, if granted, is not intended to, and shall <u>not</u> be deemed to be, consent regarding any parking requirements or parking mitigation for this or any other project.

Sec. 130-36. Off-site facilities.

- (a) All parking spaces required in this article shall be located on the same lot with the building or use served, or within a distance not to exceed 500 feet from such lot, or 1,200 feet (i) if located in the architectural district or a local historic district, or (ii) the parking lot is operated on a valet basis as per section 130-35. The distance separation shall be measured by following a straight line from the lot on which the main permitted use is located to the lot where the parking lot or garage is located.
- (b) Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in section 130-32, a unity of title or for nonadjacent lots, either a unity of title or a restrictive covenant in lieu of unity of title for parking unification shall be prepared for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit.

(c) Temporary parking lot facilities shall be pursuant to section 130-68. (Ord. No. 89-2665, § 7-3, eff. 10-1-89; Ord. No. 98-3108, §§ 5(D), 6, 1-21-98; Ord. No. 2002-3346, § 1, 1-30-02)

Finally, there are two outstanding issues which we would like to address before a sale or transfer of any leasehold interest is considered.

First, there is an outstanding \$31.30 due for Florida sales tax on the leased premises. You will recall that it was determined that only \$21.88 per month is due for sales tax on the retail portion (five percent) of the leased premises. However, because you had a credit for sales tax previously paid which extended through a portion of October, there was \$9.42 due for October 2003, and \$21.88 for

Pelican Development LLC December 9, 2003 Page 3 of 3

November 2003. Please remit the \$31.30 at your convenience and remember to include \$21.88 sales tax with future lease payments.

Second, there is the issue of the Replacement Reserve Account outlined in Section 16.5 (a) of the Lease Agreement. Please provide evidence of the interest bearing reserve account for 122,921 square feet of parking garage space (including common areas). This account should include a monthly deposit, beginning in December, 2002 for the month of November, 2002, in the amount of \$2,560.85.

If you require additional information from us, please let us know.

Sincerely,

Jorge M. Gonzalez City Manager

JMG/CMC/AP

F:\DDHP\\$ALL\Anna\Pelican Development\ItrRequiredNotices.doc

cc: Murray Dubbin, City Attorney

Bloom & Minsker, P.L. Suite 700 1110 Brickell Avenue Miami, Florida 33131 Attn: Joel N. Minsker, Esq.

Greenberg, Traurig, P.A. 1221 Brickell Avenue Miami, Florida 33131 Attn: Richard J. Giusto, Esq.

Ocean Blvd. II LLC 328 S. Walnut Street, Suite 2 Bloomington, IN 47401 Attn: Mark A. Siffin

Bose McKinney & Evans LLP 600 E. 96th Street, Suite 500 Indianapolis, IN 46240 Attn: Philip A. Nicely, Esq.

Dwyer & Cambre Suite 707 3421 North Causeway Blvd. Metairie, Louisiana 70002 Attn: Stephen I. Dwyer, Esq.

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, RELATING TO THE GRANTING OF DEFERRED COMPENSATION TO THE CITY MANAGER; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Jorge M. Gonzalez assumed the role of City Manager on August 21, 2000; and

WHEREAS, Mr. Gonzalez' engagement is reflected in an employment contract dated July 26, 2000 adopted by the City Commission on July 26, 2000, which establishes his first year's salary and setting other terms, conditions, and benefits; and

WHEREAS, other aspects of his performance and adjustments to his employment contract will be discussed in January 2004; and

WHEREAS, one of the terms of his employment contract provides for an annual review for salary and benefits adjustments and performance bonuses in such amounts and to such extent as the City may determine that it is desirable to do so;

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that:

Section 1. Grant the City Manager's Deferred Compensation pursuant to Section 14; subsection B of his employment contract.

Section 2. This Resolution shall become effective upon adoption.

PASSED and ADOPTED this 10th day of December 2003.

	MAYOR
ATTEST:	
CITY CLERK	APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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Agenda Item <u>R7</u>I Date <u>12-10-03</u>

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



COMMISSION MEMORANDUM

To:

Mayor David Dermer and

Members of the City Commission

Date: December 10, 2003

From:

Chairman Steve Zack

Vice-Chair Jonathan Beloff

Member of the Board Ricky Arriola Member of the Board Victor Diaz

Member of the Board Honorable Seymour Gelber

Member of the Board Larry Herrup Member of the Board Abraham Laeser

Subject: CHARTER REVIEW BOARD - MONDAY, DECEMBER 8, 2003 MEETING - REPLACEMENT

RESOLUTIONS

The Charter Review Board met on Monday, December 8, 2003, and discussed, in part, amendments to City Charter Sections 1.03(b) (requiring voter approval prior to disposal of City-owned park, recreation, or waterfront property) and 1.03(c) (requiring voter approval prior to increase in floor area ratio of certain waterfront properties).

In order to reflect the Board's actions of December 8, 2003, the attached resolution shall substitute as the recommendation of the Charter Review Board regarding Agenda Item R9C and Charter section 1.03(c).

The Board's proposed amendments to City Charter Section 1.03(b) are in the process of being prepared and will be distributed at the December 10, 2003 City Commission meeting.

RESOLUTION	NO.
TERRETAIN	110.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON TUESDAY, MARCH 9, 2004, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER CITY CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO THE ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY, BE EXPANDED TO APPLY TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE), AND SETTLEMENT OF CLAIMS THE CITY HAS NOTICE OF AS OF DECEMBER 10, 2003.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

SECTION 1.

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, March 9, 2004, for the purpose of submitting to the electorate the question as set forth hereinafter.

SECTION 2.

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with Miami-Dade County's certification of the results of said Special Election being accepted by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated and results duly accepted by said appropriate Miami-Dade County Officials.

SECTION 3.

Said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts in which the official registration books show that the said electors reside. A list of the voting precincts and the polling places therein (subject to change by the Supervisor of Elections of

Miami-Dade County, in accordance with the laws of Florida) is attached hereto as Exhibit A.

SECTION 4.

Registration of persons desiring to vote in the Special Election shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 111 Northwest 1st Street, Floor 19, Miami, Florida 33130; Mailing Address: P.O. Box 012241, Miami, Florida 33101; Telephone: (305) 375-5553.

SECTION 5.

Not less than thirty days' notice of said Special Election shall be given by publication in a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made at least once each week for four consecutive weeks next preceding said Special Election.

SECTION 6.

The notice of election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

<u>AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE</u>

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO THE ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY, BE EXPANDED TO APPLY TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE), AND SETTLEMENT OF CLAIMS THE CITY HAS NOTICE OF AS OF DECEMBER 10, 2003?

 YES
 NO

SECTION 7.

The official ballot to be used in the Special Election to be held on March 9, 2004, hereby called, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

THE CITY OF MIAMI BEACH, FLORIDA NOTICE OF SPECIAL ELECTION, MARCH 9, 2004.

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 9TH DAY OF MARCH, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO THE ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY, BE EXPANDED TO APPLY TO ALL PROPERTY WITHIN CITY LIMITS; EXEMPTING THE DIVISION OF LOTS OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY

ORDINANCE), AND SETTLEMENT OF CLAIMS THE CITY HAS NOTICE OF AS OF DECEMBER 10, 2003?

YES	
NO	
SECTION 8.	
Absentee voters participating in said Special Election s	shall be entitled to cast their ballots in
accordance with the provisions of the laws of the State of Flori	ida with respect to absentee voting.
SECTION 9.	
That the City of Miami Beach shall pay all expenses for	r conducting this Special Election and
will pay to Miami-Dade County or directly to all persons or firm	as, upon receipt of invoice or statement
approved by the Supervisor of Elections of Miami-Dade Count	ty, Florida.
SECTION 10.	
If any section, sentence, clause or phrase of the proposed	l ballot measure is held to be invalid or
unconstitutional by any court of competent jurisdiction, then s	aid holding shall in no way affect the
validity of the remaining portions of said ballot measure.	
SECTION 11.	
This resolution shall be effective immediately upon its p	passage.
PASSED and ADOPTED this day of	, 2003.
ATTEST: MA	AYOR
CITY CLERK	APPROVED AS TO
F:\atto\OLIJ\ELECTION\RESO\Floor Area Ratio Referendum (3) Rev. 12-9-03.doc	FORM & LANGUAGE & FOR EXECUTION
	100 K/2 12/91

A. Proposed Ballot Question

<u>AMENDING CHARTER SECTION 1.03(c) RE: VOTER APPROVAL PRIOR TO FLOOR AREA INCREASE</u>

SHALL CHARTER SECTION 1.03(c) REQUIRING VOTER APPROVAL BEFORE FLOOR AREA RATIO MAY BE INCREASED ON PROPERTIES ADJACENT TO THE ATLANTIC OCEAN, GOVERNMENT CUT, INDIAN CREEK, OR BISCAYNE BAY, BE EXPANDED TO APPLY TO ALL PROPERTY WITHIN CITY LIMITS; **EXEMPTING** THE DIVISION OF LOTS OR THE AGGREGATION OF DEVELOPMENT RIGHTS ON UNIFIED ABUTTING PARCELS (OTHERWISE PERMITTED BY ORDINANCE), AND SETTLEMENT OF CLAIMS THE CITY HAS NOTICE OF AS OF DECEMBER 10, 2003?

 YES
NO

B. Proposed Text

City Charter Section 1.03(c).

(c) The floor area ratio of any property or street end within the City of Miami Beach adjacent to the Atlantic Ocean, Government Cut, Indian Creek or Biscayne Bay shall not be increased by zoning, transfer, or any other means from its current zoned floor area ratio as it exists on the date of adoption of this Charter Amendment [November 7, 2001], including any limitations on floor area ratios which are in effect by virtue of development agreements through the full term of such agreements, unless any such increase in zoned floor area ratio for any such property shall first be approved by a vote of the electors of the City of Miami Beach. This provision shall not preclude or otherwise affect the division of lots, or the aggregation of development rights on unified abutting parcels, as may be permitted by ordinance. In addition, this provision shall not apply to settlements of any claims the City has notice of as December 10, 2003. This Charter Amendment shall become effective on the day after its approval by the voters of the City of Miami Beach. No rights in derogation of the provisions of this Amendment under any ordinance or any other action of the Miami Beach City Commission between the time this measure is approved by the Miami Beach City Commission for placement on the November 6, 2001 a ballot and the adoption of this Amendment shall be enforced against the City of Miami Beach.

* * *